

MINUTES

316th Meeting Contractors' Registration and Licensing Board February 10, 2016

1. The meeting began with the pledge of allegiance to the flag of the United States of

America, led by: Eric Wishart.

2. The meeting was called to order by the Chairman, Edgar Ladouceur, at

12:34 PM.

3. Approval of the agenda and order of business was accepted on a motion by Mr. David

Caldwell and seconded by Mr. Eric Wishart.

4. The minutes of the 315th meeting, January 06, 2016, were approved on a motion

by Mr. David Caldwell and seconded by Mr. Martin Ezeama.

5. Review of pending issues with Code Officials from Rhode Building Officials

Association; Alfred DeCorte informed the board members of the upcoming

Education seminar that the Building Officials Association will be

conducting on

February 26, 2016.

6. Court Case Update: January 2016 - Funds Received Via CRB:

Contractor Claim/File Fines Restitution

- A. Fiorio 3375 - \$1,703.30 (paid in full)
 - T. Ogilvie 5933 - \$80 (payment plan)
 - M. Warhurst 6939 - \$19,413.22 (paid in full)
 - M. Warhurst 6950 - \$4,000 (paid in full)
 - M. Warhurst 7058 - \$3,500 (paid in full)
 - J. Pearson 7186 - \$250 (payment)
 - H. Lemos 8173 - \$250 (payment plan)
 - R. Dubuc 8277 - \$1,669 (paid in full)
 - J. Clark 8333 - \$500 (payment)
 - J. Townsend 8461 - \$1,500 (paid in full)
 - W. Cinquegrano 8471 - \$500 (payment)
 - J. Ribeiro 7500 - \$10 (payment plan)
 - J. Ribeiro 7050 - \$10 (payment plan)
 - J. Ribeiro 7478 - \$10 (payment plan)
 - J. Ribeiro 7499 - \$10 (payment plan)
 - K. Authelet 8639 - \$1,000 (paid in full)
- TOTALS: \$ 0.00 \$ 34,405.52_____**

Upcoming/Recent court dates:

- 01/07/16-PTC-Juan Padin (case #61-2015-11779); defendant paid restitution to homeowner and case was dismissed.
- 01/12/16-Trial- Yazmarelis Cepeda (61-2015-09241) found guilty of failing to comply with final order; filed an appeal to Superior Court.
- 01/13/16 – PTC- Anthony Piccirilli (Found Guilty – 61-15-01087, Appealed to Superior Court – now P3-2015-1091A) (claim 8177); failed to show, warrant issued
- 02/02/16- Joseph Forte (NRB 2741(4)/61-15-02933); pled nolo, restitution ordered remanded to ACI; 03/08/16 Hearing
- 02/10/16- Arraignments: Frank Martin, Claims # 8394, 8416, 8417; Matthew Warhurst, Claim # 8379; Christopher Sarault, Claim #7192.
- 02/09/16- PTC- Micah Cosek (claim 8350/case 61-2015-11778)-supposed to pay remaining \$1,000 outstanding to homeowner at this court date to have case dismissed
- 02/10/16 – Trial– Norberto Emanuel (61-15-07894/ cl 7588 and NRB 7989(1))
- 03/01/16-PTC- David Petrucci (61-2016-00171) supposed to pay remaining \$4,000 to homeowner at this court date to have case dismissed
- 03/02/16- Trial- Dan Saffer (61-2015-11780)

Outstanding Warrants:

- Joshua Genereux (61-15-04113 and 61-15-04097) (1) 11 Reservoir Ave, Manville RI; (2) 2327 Putnam Pike, Chepachet RI; (3) 147 Sayles Street, Woonsocket RI
- Otto De Jesus Mendoza Lopez, 121 Bradford St., Bristol RI 02809

(61-2014-06804)

• Olksiy Dubovy (1) 160 Pidge Avenue (2) P.O. Box 5521, Pawtucket, RI 02861

Administrative Appeals: Stephen Colucci/Colucci Brothers v. CRB

7. Consideration of Motions: None this month.

8. Consideration of Cases on Appeal and Oral Argument: None

9. Consideration of Request for Expungement:

(1) 12:40 PM Request by Daniel Donnelly, Registration #28791, to expunge violation # 6754, Insurance. Mr. Donnelly was in attendance and presented his case to the Board regarding his request to expunge violation #6754; Insurance lapse issued on May 14, 2009 and resolved with a payment of a fine on May 22, 2009. The chair questioned the contractor on the number of days he wasn't registered with the Board as well as the delinquent payments he had on his record. After much discussion, a motion was made by Tom Furey and it was seconded by Paul Brunetti as well as Martin Ezeama to expunge this record. Motion was called by the chair and was passed unanimously.

(2) 12:45 PM Request by Paul Bernard, Registration #1888, to expunge violation #4862, Insurance. The contractor was present but

arrived a little late and the Board had changed the order of the agenda. After waiting to be heard, he presented his case before the Board regarding his insurance lapse which was on December 7, 2005 and his payment of a fine and closing of the violation on December 21, 2005. The Chair questioned the contractor in regard to his record of delinquent payments for renewal as well as a returned check that he had on June 21, 2012. After answering Board members questions a motion was made by Dave Caldwell and seconded by Tom Furey to expunge this record. The motion was called by the chair and all member voted in the affirmative with the chair Edgar Ladouceur voting in the negative. The motion passed to expunge violation #4862, Insurance.

10. Education: Review of all applications received and courses submitted for

Approval: None

11. Report of the Executive Director and Staff:

(1) Statistics Report: 02/10/2016

Registrations:

Number of Registered Contractors 11682

Number of Cards Surrendered 4781

Number of Cards Expired/Lapsed 10305 Number of Cards

Invalidated 1683
Number of Cards Suspended 512
Number of Cards Revoked 129

Registration Actions

Number of New Registered Contractors 74
Number of Renewed Contractors 11608
Number of Cards Surrendered 33
Registrations Invalidated 0
Registrations Suspended 4
Registrations Revoked 3

Claims:

Administrative Appeals 2
Board Appeals 0
Address Traces 93
Court
589
Awaiting Further Action 29
Disposed 290
Final Orders 38
Hearings 31
Out of State Services 7 Proposed Orders 147
Under Investigation 134

Total Claims Filed with the Board	8284	
Number of New Claims Processed	37	
Total Disposed Claims to date		7158

Violations:

Action Against Registration	53	
Advertising	3	
Cancelled Insurance		1417
Notice of Hearing	3	
Non-Registered Contractor		
959		
TOTAL RECORDS	2464	

Number of New Violations **148**

Lapsed Registrations/Never Re-Newed:

January	2015
41	
February	2015
56	
March	2015
70	
April	2015

83	May	2015
62	June	2015
72	July	2015
55	August	2015
63	September	2015
56	October	2015
80	November	2015
84	December	2015
751	January	2016

109

Month

Tickets Issued

Fines

January 2015

3

\$1,250.00

February 2015

1

\$ 500.00

March 2015	1
\$ 250.00	
April 2015	3
\$2,250.00	
May	1
\$ 250.00	
June	3
\$ 750.00	
July	6
\$3,000.00	
August	1
\$ 250.00	
September	0
October	2
\$ 600.00	
November	2
\$ 750.00	
December	1
\$ 1,000.00	
January	0
\$.00	

Commercial Roofers:

Number of Registered Roofers

145

Number of New Registered Contractors	2
Number of Renewed Roofer Contractors	143
Number of Cards Surrendered	26
Number of Expired/Lapsed Registrations	80
Registrations Invalidated	0
Registrations Suspended	0
Registrations Revoked	0

12. Old Business:

(1.) Regulations, laws and standards were the topic of discussion and were reviewed by the Board. Upon review it was determined that we would continue to go forward with subcommittee meetings on Home Inspectors and Well Drillers and Pump Installers.

13. New Business:

Board Member: Kimberly Wooten, the newly appointed Home Inspector Member, informed the Executive Director that due to a recent change in her job schedule she would have to leave in the middle of the meeting and felt it would be inconsiderate and unprofessional as well as unproductive to stay on the Board. The Board thanked her for the service she rendered and her dedication to the industry.

Budget: Will continue to review the proposed budget as to need to increase registration fees for fiscal year 2017.

Computer Program Update: We are currently testing the system and still finding some bugs that need to be worked out. Striving to have this system up and running but because of lack of staff and testing problems it may not be until April or May of 2016.

Positions: The position of enforcement aide has been filled with a promotion from within staff. A new posting was issued with hopes that interviews can be conducted very soon. The Principal Building Official Position was also put into the system again with hopes of moving this matter forward for interviews soon.

Legislation: Legislation for next year will hopefully be processed soon by the Department of Administration. A number of bills were submitted and discussed. The Board took the following action :

H-7085 Motion by Dave Caldwell and second by Carol O'Donnell to Oppose this bill, motion passed unanimously.

H-7402 Motion by Dave Caldwell and second by Tom Furey to Support this bill, motion passed unanimously.

H-7403 Motion by Tom Furey and second by Eric Wishart to Support this bill with some clarifications; motion passed unanimously.

H-7253 & S-2163 Motion by Dave Caldwell and second by Michael Fox

to Oppose this bill, motion passed unanimously.

H-7305 Motion by Tom Furey and second by Paul Brunetti to Oppose this bill, motion passed unanimously. (See sections 11 and 12 regarding existing language.)

Education Sub-Committee: No meetings to review courses were scheduled in light of the fact that no new providers have applied or new courses were submitted.

Retention Schedule: The Board tabled this matter and the Executive Director would like to see this modification made after all the new rules and regulations have been established so it doesn't have to be modified after each change. This change will happen this year.

Education: Effective April 1, 2016 and thereafter letters will be sent to contractors informing them of the new continuing education requirements which will take place on the next renewal cycle. Contractors will have two years to take course prior to their next renewal which would be April 1, 2018. Contractors' must obtain five hours of education from approved providers and courses. Letter was reviewed and suggestions made to revise and send out in time for April renewals.

Licensing: Discussion as to moving onto licensing of contractors in the near future. Several board members expressed consideration to

look into the feasibility of a surety bond as part of that process to afford better protection to consumers and raise the bar.

The concept was to have both a registration and licensing process whereby the Boards Dispute Resolution Process could be expanded. Further information will be provided over the next few weeks and information from NASCLA regarding what other states are doing in regard to licensing and requirements.

Web-site: A suggestion was made by several board members to include on our web site and maybe the State Building Codes web-site the current codes in effect. The executive director will try and get this information posted as soon as possible.

14. Public Comment: Linda Sherman put forth to the Board concerns regarding her recent filing of a claim and the process of investigation provided by the board's staff. This item was moved up on the schedule by the Chairman so she could present her concerns. Ms. Sherman expressed concerns over her claim and the process the Board exercised in reviewing and investigating her statement of claim. She had concerns over all the code inspections conducted by the local authority having jurisdiction and the process the board follows regarding contracts and payments issued regarding names listed on the checks. The Board listened to her testimony and concerns and the chair explained the process and advised her that some cases maybe better suited for court. A review of the process

and measures taken on this claim will be reviewed. Concerns were expressed by one board member that an appeal would not be able to be heard by the Board because of the information provided at this public forum because the board heard more than just general comments in regard to this matter. This claim was disposed by the investigator after inspection of the property so it should not be an issue. A review of the file by the chair and staff as to actions if any that may need to be taken in regard to this contractor.

15. **Announcements:** The next Board meeting will be held on Wednesday, March 2, 2016 at 12:30 PM, Conference Room "A" 2nd Floor; One Capitol Hill, Providence, Rhode Island.

16. **Adjournment:** A motion was made by Tom Furey and seconded by Dave Caldwell to adjourn the meeting at 3:25 PM.

Members Present: Edgar Ladouceur, Paul Brunetti, Tom Furey, Michael Fox, Annette Stockley, Carol O'Donnell, David Caldwell, Eric Wishart, Ron Caniglia, Alfred Decorte and Martin Ezeama.

Members Absent: William Geddes, Mathew

Olson, Tony Raposo, Kimberly

Wooten,(resigned) Carol

Ann Nelson and J.L.Brillon.

**Others Present:
Director), Attorney Mariana**

George Whalen (Executive

expungements, public comment and

Ormonde, and parties for

staff.

Respectfully Submitted,

George W. Whalen

**Executive Director Rhode Island Contractors' Registration and
Licensing Board**